IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 32188 of 2005(F)

PETITIONER:

THILAKAM.C.B., W/O.C.S.STHIYANESAN,
45 YEARS, CHEERAMKUZHY HOUSE,
EDAVETTY P.O., THODUPUZHA, IDUKKI.

BY ADV. SRI.V.V.ASOKAN
SMT.S.LAKSHMY

RESPONDENTS:

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1. THE DISTRICT MEDICAL OFFICER,
IDUKKI.

2. STATE OF KERALA, REP. BY ITS
CHIEF SECRETARY.

3. SECRETARY,
DEPARTMENT OF HEALTH.

4. SUPERINTENDENT, TALUK HEAD QUARTERS
HOSPITAL, THODUPUZHA.

BY GOVT. PLEADER, SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT: P1: COPY OF IDENTITY CARD ISSUED BY THODUPUZHA EMPLOYMENT EXCHANGE DATED 26/6/83.

EXT: P2: COPY OF THE LETTER NO.A2/6670/03 DATED 16/10/03 ISSUED BY THE 1ST RESPONDENT INTIMATING THAT THE PETITIONER'S NAME HAS BEEN NOMINATED BY THE EMPLOYMENT EXCHANGE FOR SELECTION TO HOSPITAL ATTENDANT GRADE-II ON ADHOC/CONTRACT BASIS OF THE TALUK HEAD QUARTERS HOSPITAL AT THODUPUZHA AND DIRECTING PETITIONER TO BE PRESENT FOR AN INTERVIEW BEFORE THE 1ST RESPONDENT ON 1/11/03 AT 11 A.M.

EXT. P3: COPY OF THE PROVISIONAL APPOINTMENT AS HOSPITAL ATTENDANT GRADE-II ON ADHOC/CONTRACT BASIS AT THE TALUK HEAD QUARTERS HOSPITAL AT THODUPUZHA DATED 5/11/03.

EXT. P4: COPY OF THE EXPERIENCE CERTIFICATE ISSUED BY THE SUPERINTENDENT, TALUK HEAD QUARTERS HOSPITAL AT THODUPUZHA DATED 29/11/2004.

EXT. P5: COPY OF THE POST CARD DATED 5/5/05 INTIMATING THAT THE COMPLAINT SENT TO THE MINISTRY OF SCHEDULED CASTE SCHEDULED TRIBE/BACKWARD COMMUNITY HAS BEEN FORWARDED TO THE CONCERNED AUTHORITIES.

EXT. P6: COPY OF THE PAPER ARTICLE 13/10/05 OF DESHABHIMANI NEWSPAPER ALLEGING CORRUPTION IN THE APPOINTMENT OF SWEEPER POST IN THE HEALTH DEPARTMENT AT IDUKKI.

/TRUE COPY/

P.A. TO JUDGE

JP

V.GIRI,J.

W.P.(C)NO.32188 of 2005

Dated this the 4th day of August, 2007

JUDGMENT

The petitioner was appointed as Hospital Attendant Grade II on provisional basis under Ext.P3 order. On expiry of the period, she was terminated from service on 7.8.2004. On the premise that she had continued in service for a period in excess of 13 months, she claimed regularisation. She further contends that her termination itself is bad, in as much as the order of termination is not served.

2. The claim for regularisation of service is not sustainable. The law in this regard seems to be settled by the Supreme Court in the latest decision reported in **Secretary, State of Karnataka** v **Umadevi** (2006(4) SCC(1).

3. The grievance of the petitioner, as regards the absence of an order of termination of service, also seems to be misconceived as it stood terminated on expiry of the period of temporary appointment.

In the result, there is no merit in the writ petition and the same is dismissed.

V.GIRI, JUDGE

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